## REMARKS

### I. Introduction

Applicants' undersigned representative gratefully acknowledges his telephonic interview with Examiner Jones on February 2, 2007, which clarified the reasons for finality of the present Office Action and for her withdrawal of additional claims. The following comments incorporate the substance of the interview.

In light of the February 2nd interview and the foregoing amendments, Applicants respectfully request reconsideration of the present application.

### II. Status of the Claims and Summary of Amendments Thereto

Claims 1-27 are pending. The PTO withdrew claims 4-7, 11-13, and 15-27 from examination previously, and now has withdrawn claims 2, 3, and 10, too. On the other hand, claim 4 is reinstated.

Claim 1 is revised presently to remove recitations of $R^2$ as hydrogen; this, in conformance with Applicants' prior amendments. No other claims are changed.

### III. The Office Action

Applicants gratefully acknowledge the PTO's withdrawal of not only all earlier grounds for rejection but also the finality of the Office Action mailed on August 11, 2006. In apparent response to Applicants' previous amendments, the PTO has lodged new grounds of rejection, to which Applicants turn below, *seriatim*.

#### A. Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

The PTO rejected claims 1, 4, 8, 9, and 14 for alleged indefiniteness. Office Action at page 3. The present amendments vitiate the stated grounds for rejection, namely, mention in claim 1 to $R^2$ being hydrogen when hydrogen is no longer a possible value for $R^2$.

#### B. Rejection of Claims Under 35 U.S.C. § 102(a)

The PTO rejected claims 1, 4, and 14 for alleged anticipation by newly cited Wang *et al.* *Journal of Molecular Neuroscience* 19 (2002) 11-16 ("Wang"). Office Action at page 4. According

to the PTO, Wang teaches a compound 6 that falls within the scope of the claims. Applicants respectfully traverse this ground for rejection.

Wang does not qualify as prior art to the present application. Specifically, the PTO considers Wang to be prior art under only 35 U.S.C. § 102(a), but the accompanying Rule 132 declaration, by co-inventors Klunk and Mathis, attests to the fact that the relevant aspects of Wang are not work "by another," contrary to the requirements of Section 102(a). Accordingly, Applicants urge the PTO to reconsider and withdraw the rejection.

**C. Rejection of Claims Under 35 U.S.C. § 103(a)**

The PTO rejected claims 1, 8, 9, and 14 for alleged obviousness over Wang. Office Action at page 4. Although Wang does not teach radiolabeled halogens in the 3' position other than radioiodine, in the PTO's view the skilled artisan would consider it obvious to replace radioiodine with any other radiohalogen. In particular, such substitution "would not drastically alter the overall properties of the overall complex," according to the PTO.

While Applicants do not agree with this reasoning or conclusion, the rejection is mooted by the elimination of Wang as citable prior art in this context, as indicated above. Applicants respectfully urge, therefore, that the PTO withdraw this rejection.

**D. Withdrawal of Additional Claims, and Rejoinder of Method Claims**

According to the Office Action and the interview, the PTO withdrew claims 2, 3, and 10 from consideration because the revisions to claim 1 exclude the species that the Examiner searched earlier. For this reason, the Examiner explained that she is no longer obligated to consider those claims. Applicants disagree with the PTO's withdrawal of the claims, however.

Claim 10 reads on Applicants' elected species, which is not taught by the prior art, and so the claim never should have been withdrawn. See Applicants' election filed on October 31, 2005 ($R^1$ = OH, $R^2$ = $^{18}F$, $R^3$ = H, and $R^4$ = $CH_3$). Applicants urge the PTO, therefore, to reinstate claim 10.

In addition, Applicants request the PTO to reconsider examination of claims 2 and 3. Doing so would hardly impose much burden.

Finally, upon the PTO's determination that claim 1 is allowable, Applicants respectfully request the PTO to rejoin withdrawn method claims 15-27, all of which depend from claim 1. *See* MPEP § 821.04.

## CONCLUSION

Applicants believe that the present application is in condition for allowance, and so they request favorable reconsideration of the application as amended. Examiner Jones is invited to contact the undersigned by telephone if she feels that any remaining issues warrants a further interview.

Respectfully submitted,

Date 9 April 2007 By S. A. Bent

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**The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extensions of time are needed for timely acceptance of concurrently submitted papers, then Applicants hereby petition for such extension under 37 CFR §1.136 and authorize payment of any such extensions fees from the deposit account.**